

Pro bono fulfills 'public contract'

Roy Barnes doesn't mince many words. He obviously enjoys words, spoken in a soft southern drawl that would make Atticus Finch proud, but he doesn't mince 'em.

"Ethics requirements ought to be satisfied by 50 hours of pro bono," Barnes said, repeating words he had said to the Georgia Supreme Court. "Most ethics seminars are not worth a lick."

Barnes – the former governor of Georgia, a man who was once the youngest member of the Georgia State Senate, a man who in 2003 was honored with the John F. Kennedy Library Foundation Profiles in Courage Award – brought his message about pro bono to the 2006 Randall T. Shepard Award Dinner hosted by the Indiana Pro Bono Commission and the Indiana Bar Foundation.

The Commission's motto is "Bridging the Gap to Justice" – words Barnes has endorsed not only with his own words, but with action. When he lost his bid for reelection to the governor's office (a defeat influenced by his efforts to change the Georgia state flag), Barnes spent the next six months as a volunteer staff attorney for the Atlanta Legal Aid Society.

His premise is simple. There is no equal justice for people who cannot afford attorneys. His solution involves attorneys – professionals, he believes, who have a moral obligation to bring justice to everyone in their communities.

"We are a profession," the former governor of Georgia said. "We are not merchants." He said lawyers practice through a public contract granted by the state. "The *quid* – a monopoly. The *quo* – we have a responsibility to represent; when we fail to do so, we break that public contract."

Barnes has another message: Pro bono cannot be handed off



Gov. Roy Barnes

solely to associates. He proposed that if senior lawyers do not set their pro bono goals high, the equal justice gap will never be bridged. He would like to see all senior lawyers spend 50 hours a year at it – a number, which he pointed out, is far below the 10-percent recommendation.

He wasn't finished.

"Associates need to get credit for pro bono just as they do billable hours," he said, "and factor the work into partnership decisions. And we can never close this gap

unless we persuade lawyers from small and medium firms to do their part."

Attorneys from small firms, he pointed out, "are uniquely suited for the types of cases that most often come up. But small firms will never come forward unless they see senior members in large firms come forward."

Barnes illustrated his pledge with two stories from his time with the Atlanta Legal Aid Society, including a tale about a woman named Alfreda who had been preyed upon by an unscrupulous auto dealer.

After he had won for Alfreda – a victory that he obviously relished – he asked a question. "What would have happened if Alfreda had not had a lawyer?"

His answer went beyond Alfreda's own well-being.

"She would have not only lost her case, but she would have lost confidence in the system," Barnes said. "We have a responsibility to make sure people never lose hope with the system – the system that has blessed us so much." ☞

Media consultant
and freelance writer
Indianapolis, Ind.